

HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES

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# HOUSE RESEARCH ORGANIZATION

## daily floor report

Thursday, April 09, 2015  
84th Legislature, Number 46  
The House convenes at 10 a.m.

The House will consider a Local, Consent, and Resolutions Calendar and a Congratulatory and Memorial Calendar today. Four bills are on the daily calendar for second-reading consideration today:

HB 1679 by Raymond	Continuing the Texas Council for Developmental Disabilities	1
HB 819 by Sheffield	Making breeding areas of any mosquito species a public health nuisance	4
HB 372 by Riddle	Monitoring Internet use by certain sex offenders on probation, parole	7
HB 658 by Zerwas	Establishing a Texas State Technical College campus in Fort Bend County	10



Alma Allen  
Chairman  
84(R) - 46

**SUBJECT:** Continuing the Texas Council for Developmental Disabilities

**COMMITTEE:** Human Services — favorable, without amendment

**VOTE:** 7 ayes — Raymond, Rose, Keough, S. King, Naishtat, Peña, Price  
0 nays  
2 absent — Klick, Spitzer

**WITNESSES:** For — (*Registered, but did not testify*: Eileen Garcia, Texans Care for Children; Andrew Crim, Texas Council for Developmental Disabilities; Ginger Mayeaux, The Arc of Texas; Kat Swift)  
  
Against — None  
  
On — (*Registered, but did not testify*: Erick Fajardo, Sunset Advisory Commission (staff); Mary Durham and Roger Webb, Texas Council for Developmental Disabilities)

**BACKGROUND:** The Texas Council for Developmental Disabilities (TCDD), formerly the Texas Planning Council for Developmental Disabilities, was established to advocate for increased awareness, services, support, and education of individuals with developmental disabilities. The federal Developmental Disabilities Assistance and Bill of Rights Act requires that each state establish and maintain a state council on developmental disabilities in order to receive federal funding for developmental disability services. TCDD develops a state plan for the use of federal funds and awards grants to state agencies, universities, nonprofit organizations, and for-profit businesses.

TCDD is governed by 27 members appointed by the governor, including five state agency representatives, two representatives from nonprofit organizations, two local organization representatives, six representatives who have developmental disabilities, and 12 representatives who have relatives with developmental disabilities. Members serve staggered six-year terms and cannot serve more than two consecutive full terms. The

board oversees a staff of 14.

According to the Sunset Advisory Commission, TCDD spent \$5.8 million in fiscal 2013, including \$1.5 million on operations and \$4.3 million on grant projects. TCDD reported in its 2014 annual report that its fiscal 2014 budget was \$4.8 million. According to the council, it spent 67 percent of its budget that year on grants, 27 percent on staff operations, and 6 percent on other operating expenses.

TCDD receives most of its \$5 million in annual federal funding from the Administration on Intellectual and Developmental Disabilities. Federal funding is based on Texas' population and certain poverty factors. According to the Sunset Advisory Commission, the council awarded 50 grants to 41 organizations in fiscal 2013, with grant awards ranging from \$10,000 to \$250,000 and averaging \$75,000.

TCDD last underwent Sunset review in 1999 under HB 1610 by McCall. Its authorization will expire on September 1, 2015, unless it is continued.

**DIGEST:** HB 1679 would continue TCDD until September 1, 2027.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS SAY:** By continuing the operations and functions of TCDD for another 12 years, HB 1679 would ensure that Texas could continue to receive about \$5 million annually in federal funding for developmental disability services. Federal law mandates that each state establish and maintain a state council for developmental disabilities as a condition for receiving this funding, and TCDD serves this vital function.

More than 475,000 people in Texas have developmental disabilities, but only about 20 percent to 25 percent receive government developmental disabilities services. TCDD identifies and addresses the needs of Texans with developmental disabilities and presses for system changes that allow Texans with developmental disabilities to gain more control over their lives.

The council awards grants to non-profit and for-profit entities that serve the developmental disabilities population. TCDD funds projects that develop leadership and advocacy skills, community inclusion, health and fitness promotion, and employment services. TCDD performs outreach and education programs in communities to work toward full inclusion of people with developmental disabilities.

TCDD understands the importance of strengthening its reporting with regard to past and current grant projects. Formal reporting on the impact of grant projects is a good idea that would best be implemented as part of an ongoing effort to align the council's tracking methodologies with those of its federal authority, the Administration on Intellectual and Developmental Disabilities. While TCDD currently does not require formal reports from past grant projects, it does receive informal reports intermittently and hopes to establish a formal reporting system in the near future.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

The Senate companion, SB 210 by Birdwell, was referred to the Senate Health and Human Services Committee on February 23.

SUBJECT: Making breeding areas of any mosquito species a public health nuisance

COMMITTEE: Public Health — committee substitute recommended

VOTE: 10 ayes — Crownover, Naishtat, Blanco, Collier, S. Davis, Guerra, R. Miller, Sheffield, Zedler, Zerwas  
0 nays  
1 absent — Coleman

WITNESSES: For — David Jefferson, Tarrant County Public Health; (*Registered, but did not testify*: Seth Mitchell, Bexar County Commissioners Court; Mark Mendez, Tarrant County Commissioners Court; Duane Galligher, Texas Environmental Health Association; Kari Fay, Texas Medical Association; Grace Chimene)  
  
Against — (*Registered, but did not testify*: Dan Overlander; Aldas Ridgley; Julie Williams)

BACKGROUND: Health and Safety Code, Title 5, Subtitle A governs sanitation and contains two sections that regulate nuisances caused by conditions that harbor mosquitoes or allow them to breed.  
  
Sec. 341.011(7) defines as a public health nuisance a collection of water in which mosquitoes are breeding within a municipality or any collection of water that is a breeding area for disease-transmitting *Culex quinquefasciatus* mosquitoes, unless the water is located on property where certain agricultural activities are taking place.  
  
Sec. 343.011, which applies only to the unincorporated area of a county, states that a person may not cause, permit, or allow a public nuisance that results from premises maintained in a way that creates an unsanitary condition likely to attract or harbor mosquitoes.

DIGEST: CSHB 819 would change the definition of a mosquito breeding area considered a public health nuisance under Health and Safety Code, sec.

341.011(7). A collection of water would be a nuisance if it was a breeding area for any type of mosquito. The code no longer would specify that the mosquito inhabiting the breeding area must be of the *Culex quinquefasciatus* species.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS  
SAY:**

CSHB 819 would align an area of public nuisance law with common practice, while updating and clarifying the law for those individuals who abide by the code as written.

The bill would make certain laws related to nuisances involving mosquitoes more consistent. Health and Safety Code, sec. 341.011(7) establishes as a type of public health nuisance collections of water that are a breeding area for only one species of mosquito, but sec. 343.011 does not limit a public nuisance in unincorporated areas to only one type of mosquito. It appears that most individuals responsible for abating collections of water that are breeding areas for mosquitoes already do so regardless of the mosquito species, and CSHB 819 simply would codify this practice.

The bill also would update the law for those who abate breeding areas of only the *Culex quinquefasciatus* species of mosquito. In 2013, Texas had 183 identified cases of West Nile infection, resulting in 14 deaths. Current statute specifies only one species of mosquito that in the past was thought to be the sole vector for West Nile virus. However, recent research has shown that about 65 species can carry the virus. Many other mosquito-borne diseases, including chikungunya virus, dengue fever, and Saint Louis encephalitis virus, are transmitted by various species of mosquitoes, and having fewer breeding areas would reduce the risk of an outbreak of these diseases. CSHB 819 would modernize the code to reflect current scientific knowledge and would protect Texans from numerous diseases by requiring abatement of breeding areas of all mosquito types. The bill also would save money by eliminating the need to test and identify a mosquito species before abating a breeding area.

Broadening the existing public health nuisance law to apply to all mosquito species would not inconvenience those who would be required to abate the nuisance. Only a small segment of the population does not abide by the practice of eliminating all mosquito breeding areas, and maintaining premises in a way that harbors any type of mosquito already is prohibited in certain areas under Health and Safety Code, sec. 343.011.

OPPONENTS  
SAY:

CSHB 819 could be problematic because it would mean that more mosquito breeding areas had to be abated than those mandated by current law. Increasing the number of nuisances to be eliminated would be inconvenient for those who currently follow the code as written and abate breeding areas of only the *Culex quinquefasciatus* mosquito.

SUBJECT: Monitoring Internet use by certain sex offenders on probation, parole

COMMITTEE: Corrections — favorable, without amendment

VOTE: 7 ayes — Murphy, J. White, Allen, Keough, Krause, Schubert, Tinderholt  
0 nays

WITNESSES: For — Dean Friedrich

Against — None

On — (*Registered, but did not testify*: Rissie Owens, Texas Board of Pardons and Paroles; Stuart Jenkins, Texas Department of Criminal Justice - Parole Division)

BACKGROUND: Code of Criminal Procedure, art. 42.12, sec. 13G(b) requires courts that grant community supervision (probation) to certain sex offenders to prohibit the offenders from using the Internet to:

- access obscene material, as defined in the Penal Code;
- access commercial social networking sites;
- communicate with someone the offender knows to be younger than 17 years old; or
- communicate with anyone about sexual relations with a person younger than 17 years old.

These prohibitions apply to certain offenders who are required to register as sex offenders and who meet at least one other criterion, including having been assigned a risk level of three (high) under the state's risk assessment tool. Government Code, sec. 508.1861 imposes the same requirement on parole panels releasing certain sex offenders on parole or mandatory supervision.

DIGEST: HB 372 would require courts and parole panels that currently must impose restrictions on certain sex offenders' use of the Internet to require the probationers and parolees to demonstrate compliance by submitting to



regular inspection or monitoring of each electronic device they use to access the Internet.

The bill would expand the type of probationers and parolees to whom restrictions on Internet use could apply to include those assigned a numeric risk level of two (moderate).

The bill would take effect September 1, 2015. It would apply to persons placed on community supervision or parole on or after September 1, 2009. Courts and parole panels would have to modify conditions of community supervision or parole to comply with HB 372.

**SUPPORTERS  
SAY:**

HB 372 would improve the state's monitoring of sex offenders in the community on probation or parole. Better monitoring would increase public safety and help deter the offenders from committing other offenses.

While current law requires courts and parole panels to restrict the Internet use of certain sex offenders, ensuring that they abide by these restrictions can be difficult for probation and parole officers carrying large caseloads. In some cases, officers might examine offenders' computers to see what sites they have visited or require offenders to pay for content-control software. These methods can be time-consuming, burdensome, and result in uneven oversight from one offender to another. Obtaining information about an offender's Internet use after the fact may come too late to prevent some offenders from planning or committing another offense.

HB 372 would make the state's oversight of certain sex offenders on parole and probation more effective and efficient by requiring offenders to submit to regular inspection or monitoring. To accomplish this, parole and probation officers could use software tools that allow remote access and real-time monitoring of devices. With these tools, officers more easily could learn if sex offenders were violating the terms of their probation or parole by accessing pornography sites, having prohibited communications, or engaging in other forbidden activities online.

Monitoring an offender's Internet use — rather than looking at use after the fact -- would be the best approach to balance public safety and the need to use technology in today's society. Some courts have struck down

broad Internet bans, making monitoring the best option to ensure compliance with current state restrictions. Monitoring could help probation and parole officers with the daily oversight of the offender. Just knowing their Internet use is being monitored could deter offenders from violating Internet prohibitions. Offenders who did not wish to be monitored could choose not have any devices with Internet access.

Placing this requirement in statute is the best approach to ensure it would be uniformly applied to all probationers and parolees who fall under the state's rules for restricted Internet use. Current restrictions by courts can vary widely in what they prohibit and are not based on the seriousness of an offense or the likelihood of a person reoffending.

The bill would expand the requirement that Internet access be restricted to include offenders at risk level two (moderate) to better protect Texans. These offenders are potentially at risk to reoffend and warrant the same scrutiny and restrictions currently applied to level three offenders.

HB 372 could be implemented with no cost to local probation departments or the state. Offenders could be required to pay the costs of the monitoring software. While HB 372 would place more offenders under the state's Internet use restrictions, the type of monitoring enabled by the bill would make the system more efficient, allowing any increase in the number of offenders monitored to be handled with current resources.

**OPPONENTS  
SAY:**

Current law already allows the type of monitoring that would be imposed by HB 372. Probation and parole officers have ample authority to oversee offenders under their supervision. This combined with existing restrictions on Internet use is sufficient to allow regular inspection and monitoring of these sex offenders.

Including level two offenders among those who fall under the mandatory restrictions on Internet use and monitoring could increase the workload of probation and parole officers. This additional work could be difficult to carry out without more resources.

**SUBJECT:** Establishing a Texas State Technical College campus in Fort Bend County

**COMMITTEE:** Higher Education — committee substitute recommended

**VOTE:** 8 ayes — Zerwas, Howard, Clardy, Crownover, Martinez, Morrison, Raney, C. Turner

0 nays

1 absent — Alonzo

**WITNESSES:** For — Evalyn Moore, City of Richmond; Vincent Morales, City of Rosenberg; (*Registered, but did not testify*: Mike Meroney, Huntsman Corp., BASF Corp., and Sherwin Alumina Co.; Felicia Wright, Texas Association of Builders)

Against — None

On — Betty McCrohan, Wharton County Junior College; (*Registered, but did not testify*: Steven Johnson, Texas Association of Community Colleges; Rex Peebles, Texas Higher Education Coordinating Board; Jonathan Hoekstra, Texas State Technical College; Michael Reeser, Texas State Technical College System)

**BACKGROUND:** Education Code, ch. 135 governs the Texas State Technical College (TSTC) system, which provides technical-vocational education for which there is demand in the state. The college, which offers certificate and associate degree programs, has campuses in Harlingen, Marshall and Waco, as well as a campus serving West Texas with permanent locations in Abilene, Breckenridge, Brownwood, and Sweetwater.

Education Code, sec. 135.04(b) states that any TSTC campus or extension seeking to establish a program in the same tax district as a public junior college operating a vocational and technical program must show that the local junior college would not be able to offer that program. If the program is not locally available and a need for the program is established, TSTC may offer the program if approval is granted from the Texas Higher

Education Coordinating Board. Approval of technical-vocational programs does not apply to Brown, McLennan, Cameron, and Potter counties.

**DIGEST:** CSHB 658 would establish a Texas State Technical College (TSTC) campus in Fort Bend County.

The bill also would exempt the TSTC-Fort Bend campus from requiring Texas Higher Education Coordinating Board approval to offer a program in the same tax district as a public junior college operating a vocational and technical program.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS SAY:** CSHB 658 would establish a much-needed Texas State Technical College (TSTC) campus in Fort Bend County, one of the fastest-growing counties in Texas. This growth has created a need for truck drivers, welders, plumbers, HVAC technicians, and other trades for which TSTC offers programs. In the next 15 years, 48,000 new technical jobs with a high median salary are projected to be created in Fort Bend County, according to a recent study. Demand in the area for mid-level skilled employees currently surpasses the available supply of trained workers.

On top of the workforce shortage, a large portion of current mid-level skilled workers will be retiring soon, leaving an even more significant gap. Companies and manufacturers seeking to locate operations in Fort Bend County want to know that they will find the mid-level skilled labor they need. TSTC, whose mission involves responding to the state's workforce demands, is best situated to address these shortages in Fort Bend County.

Although Fort Bend County as a whole has seen considerable growth, some areas of the county lack training opportunities, and having a TSTC campus would help to stimulate some of the lower-income areas of the county. Educating 1,000 students could have as much as a \$1 billion economic impact on the regional economy.

CSHB 658 has strong community support, as demonstrated by local investment in the new campus. Certain foundations, local economic development corporations, and local governments already have pledged more than \$40 million to establish the campus. Launching a TSTC campus in Fort Bend County now is necessary because of the workforce needs and the community's strong support. By establishing the campus, the community and TSTC could signify their commitment to one another and their joint commitment to economic development in industry and technology.

CSHB 658 would build upon an existing TSTC program extension in Fort Bend County. Nearby Wharton County Junior College (WCJC), which supports this change, has shared a facility with the TSTC program extension for more than 14 years. WCJC has a 75-year memorandum of understanding with TSTC outlining a plan for the two schools to avoid duplication by providing complementary offerings in tandem. WCJC does not have the space or facilities to offer many of the technical training courses that TSTC can provide. By establishing an official campus, TSTC could offer programs not already available at WCJC and would give the junior college more space by moving into its own facility.

By becoming a campus, TSTC-Fort Bend would become eligible for funds needed to support the institution, such as Higher Education Fund money appropriated to the TSTC system and campus infrastructure funds. While these appropriations coupled with transition costs could stretch some available resources for the TSTC system and other Texas colleges, the pressing labor needs of the state and Fort Bend County justify establishing a TSTC campus in this area. This expansion would result in only a negligible increase, if any, to the state's appropriation to the TSTC system.

The enactment in 2013 of HB 5 by Aycock created a need for more career pathways, and many local school districts have reached out to TSTC asking them to help create technical training pathways to comply with this new law.

The bill's exemption of TSTC-Fort Bend from the Higher Education Coordinating Board's program approval would protect the investment of

about \$40 million that the community already has made in this project. Under current law, if WCJC annexed Fort Bend County to its tax district, the school could control TSTC's program offerings. Investors were wary of supporting the creation of a campus that later could be curtailed by competition from a local community college. Therefore, this exemption should be included in the bill.

**OPPONENTS  
SAY:**

CSHB 658 would undercut existing law regarding Texas Higher Education Coordinating Board approval for programs offered at TSTC. The statute was created to prevent duplication of programs where there is a local community college in the same tax district and to make efficient use of state resources.

The TSTC campuses exempt from program approval by the coordinating board were exempted because they were established around the same time as community colleges in their tax districts, and the requirement for approval was intended to ensure TSTC in the future did not duplicate offerings of nearby community colleges. CSHB 658 would circumvent this provision, undermine its intent, and set a bad precedent.

Establishing a TSTC campus in Fort Bend County would not solve any pressing state needs. At a time when resources for postsecondary education are limited, allowing TSTC to expand also would send a negative message to the rest of the state.

Although the memorandum of understanding between WCJC and TSTC could protect each school's course offerings, there is no guarantee that the TSTC-Fort Bend campus would not compete with other colleges in the area, potentially drawing away students and resources.

**NOTES:**

According to the Legislative Budget Board's fiscal note, the bill would have an estimated negative net impact to general revenue funds of approximately \$12 million through fiscal 2016-17. These funds would be used for transition funds, employee salaries and benefits, an increase in formula funding, and tuition revenue bond debt service.

Unlike the original bill, CSHB 658 would locate the new campus in Fort Bend County generally without identifying a particular city. HB 658 as

introduced would have located the campus in the city of Richmond.

CSHB 100 by Zerwas, which passed the House on second reading yesterday, would authorize about \$15 million in tuition revenue bonds for the TSTC-Fort Bend campus.

The companion bill, SB 581 by Kolkhorst, was referred to the Senate Higher Education Committee on February 23.